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8 and

9 MARK S. BOSCO, ESQ.
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14 Telephone: (602) 255-6000

15 Deutsche Bank National Trust Company as Trustee for the holders of Morgan Stanley Structured Trust I
16 2007-1, Asset-Backed Certificates, Series 2007-1

17 09-72337 / 2000313830

18 **UNITED STATES BANKRUPTCY COURT**
19 **SOUTHERN DISTRICT OF NEVADA**

20 In Re:

21 Jorge Rocha

22 08-21213-mkn

23 MS Motion No.
Date:
Time:

24 Chapter 13

25 Debtors.

26 **DECLARATION RE BREACH OF CONDITION**

27 STATE OF _____)
28)ss.

29 COUNTY OF _____)
30 Tarrant)

31 I, _____ Anna Goodpaster declare and state:

1 1. As to the following facts, I know them to be true of my personal knowledge, and if
 2 called upon to testify in this action, I could and would testify competently thereto.

3 2. I am an employee of Saxon Mortgage Services, Inc. servicer for Deutsche Bank
 4 National Trust Company as Trustee for the holders of Morgan Stanley Structured Trust I 2007-1,
 5 Asset-Backed Certificates, Series 2007-1, Secured Creditor herein, and am most familiar with the
 6 loan and the ongoing litigation.

7 3. The real property subject to the Trust Deed is commonly described as 1301 Clagett
 8 Lane , Las Vegas, NV 89110 and legally described as follows:

9 Lot Thirty-Six (36) in Block Three (3) of SHEAKER HEIGHTS UNIT 8, as shown by Map
 10 thereof on file in Book 37 of Plats, page 60, in the office of the County Recorder, Clark County,
 Nevada.

11 4. I have examined the document entitled "Order Regarding Adequate Protection", a
 12 copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by this
 13 reference, and am representing my personal knowledge as to whether the Debtor have complied
 14 with the requirements of said Order.

15 5. Pursuant to the aforementioned Order, the Debtor would have fifteen (15) days
 16 from the date of this Declaration in which to cure the delinquencies due. If upon the 16th) day,
 17 Debtor has failed to so cure those delinquencies, the automatic Stay Order would be vacated and
 18 extinguished as to this Secured Creditor.

19 6. As of the date of this Declaration, the Debtor has not made the payments as
 20 required by the aforementioned Order. The Debtor is presently past due as follows:

a.	2 Mortgage payments at \$1,548.52 (October 1, 2009 November 1, 2009)	\$3,097.04
b.	2 Stipulated payments at \$407.73 (September 20, 2009 October 20 , 2009)	\$815.46
c.	Attorneys Fees Total Reinstatement	<u>\$100.00</u> \$4,012.50

25 7. Debtors are responsible for the subsequent payments that will come due during
 26 this Breach period:

PARTIAL TENDERS WILL NOT BE ACCEPTED

8. Due to Debtors failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.

10. Should the Debtor cure the default, the Debtor must forward the funds to:

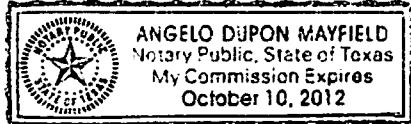
**GREGORY L. WILDE, ESQ.
WILDE & ASSOCIATES
208 South Jones Boulevard
Las Vegas, Nevada 89107**

I declare under penalty of perjury that the foregoing is true and correct.

Anna Goodpaster Assistant Vice President

SUBSCRIBED and SWORN to before me
this 9 day of November, 2009

Notary Public in and for said
State and County



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P. 1



Entered on Docket
July 24, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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Deutsche Bank National Trust Company, as Trustee for the holders of Morgan Stanley Asset-Backed Certificates, Series 2007-1
09-72337 / 2000313830

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Jorge Rocha

Debtors.

BK-S-08-21213-mkn

MS Motion No.
Date: 6/10/2009
Time: 1:30 P.M.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and

EXHIBIT A

1 pleadings on file herein and good cause appearing therefor,

2 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
 3 petition arrearages currently due as follows:

1 Monthly Payments at \$1,546.39 (May 1, 2009)	\$ 1,546.39
2 Motion Filing Fee	\$ 150.00
3 Attorneys Fees	<u>\$ 750.00</u>
4 Total Arrearages	\$2,446.39

5
 6 The above arrearage shall be paid in six (6) monthly installments of \$407.73. These payments
 7 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month
 8 commencing with the June 20, 2009 payment and continuing throughout and concluding on or before
 9 November 20, 2009.

10 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
 11 Debtors at least five business days' notice of the time, place and date of sale.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
 13 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
 14 with the June 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject Property,
 15 generally described as 1301 Clagett Lane , Las Vegas, NV 89110, and legally described as follows:

16 Lot Thirty-Six (36) in Block Three (3) of SHEAKER HEIGHTS UNIT 8, as shown by Map
 17 thereof on file in Book 37 of Plats, page 60, in the office of the County Recorder, Clark County, Nevada.

18 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
 19 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's
 20 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
 21 Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each
 22 such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be
 23 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
 24 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
 25 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the

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P. 3

1 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
2 possession thereof.

3
4 Submitted by:

5 WILDE & ASSOCIATES

6 By _____
7 GREGORY L. WILDE, ESQ.
8 Attorneys for Secured Creditor
9 208 South Jones Boulevard
10 Las Vegas, Nevada 89107

11 APPROVED AS TO FORM & CONTENT:

12 Rick A. Yarnall

13 By Rick A. Yarnall 7-13-09

14 Rick A. Yarnall
15 Chapter 13 Trustee
16 701 Bridger Avenue #820
17 Las Vegas, NV 89101

Rodney K. Okano

By _____
Rodney K. Okano
Attorney for Debtors
4180 S. Rainbow Blvd., #804
Las Vegas, NV 89103

Nevada Bar No. 7852

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21 In Re:

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22 Jorge Rocha

MS Motion No.
Date:
Time:

23 Debtors.

Chapter 13

24 **CERTIFICATE OF MAILING OF**
DECLARATION RE BREACH OF CONDITION

25 1. On 11-3-09 I served the following document(s):
26

27 **DECLARATION RE BREACH OF CONDITION**

28 2. I served the above-named document(s) by the following means to the persons as listed
29 below:

1 **X a. ECF System**

2
3 Rodney K. Okano
4 2400 So. Cimarron Rd.
5 Ste. 130
6 Las Vegas, NV 89117
7 Attorney for Debtor

8
9 Rick A. Yarnall
10 701 Bridger Avenue #820
11 Las Vegas, NV 89101
12 Trustee

13 **X b. United States mail, postage fully prepaid:**

14
15 Jorge Rocha
16 1301 Clagett Lane
17 Las Vegas, NV 89110
18 Debtors

19 **c. Personal Service (List persons and addresses. Attach additional paper if necessary)**

20 I personally delivered the document(s) to the persons at these addresses:

21 **1. For a party represented by an attorney, delivery was made by handing the**
22 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by
23 leaving the document(s) in a conspicuous place in the office.

24 N/A

25 **2. For a party, delivery was made by handing the document(s) to the party or by**
26 leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable
27 age and discretion residing there.

28 **d. By direct mail (as opposed to through the ECF System)**

29 *(List persons and email addresses. Attach additional paper if necessary)*

N/A

1 Based upon the written assignment of the parties to accept service by email or a court order, I caused
2 the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a
3 reasonable time after the transmission, any electronic message or other indication that the transmission
4 was unsuccessful.

5 **e. By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)

6 Based upon the written assignment of the parties to accept service by fax transmission or a court
7 order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by
8 the fax machine that I used. A copy of the record of the fax transmission is attached.

9
10 **f. By messenger** (*List persons and addresses. Attach additional paper if necessary*)

11
12 I served the document(s) by placing them in an envelope or package addressed to the persons at
13 the addresses listed below and providing them to a messenger for service.

14 (*A declaration by the messenger must be attached to this Certificate of Service*).

15
16 **I declare under penalty of perjury that the foregoing is true and
17 correct.**

18 Signed on : 11/3/09

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